

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 111

SENATE BILL 1364

AN ACT

AMENDING SECTION 5-602, ARIZONA REVISED STATUTES; AMENDING TITLE 5, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-602.01; RELATING TO GAMBLING ON INDIAN RESERVATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-602, Arizona Revised Statutes, is amended to
3 read:

4 5-602. Gaming certification and enforcement; powers; duties;
5 deputy director

6 A. The department of gaming shall certify, as provided in tribal-state
7 compacts, prospective gaming employees, FACILITY SUPPORT EMPLOYEES, TRIBAL
8 GAMING OFFICE EMPLOYEES, FINANCIERS, management contractors, providers of
9 gaming services and manufacturers and distributors of gaming devices to
10 ensure that unsuitable individuals or companies are not involved in Indian
11 gaming permitted under the tribal-state compacts. IN CARRYING OUT THE DUTIES
12 PRESCRIBED IN THIS SECTION, THE DEPARTMENT SHALL SEEK TO PROMOTE THE PUBLIC
13 WELFARE AND PUBLIC SAFETY AND SHALL SEEK TO PREVENT CORRUPT INFLUENCES FROM
14 INFILTRATING INDIAN GAMING.

15 B. CERTIFICATION PURSUANT TO THIS CHAPTER IS A PRIVILEGE AND NOT A
16 RIGHT.

17 ~~B.~~ C. The department of gaming shall execute the duties of this state
18 under the tribal-state compacts in a manner that is consistent with this
19 state's desire to have extensive, thorough and fair regulation of Indian
20 gaming permitted under the tribal-state compacts.

21 ~~C.~~ D. The department of gaming shall establish a certification and
22 enforcement unit charged with the investigative duties relevant to
23 tribal-state compacts, including applications for certification,
24 investigations and enforcement, and such other duties as the director of the
25 department of gaming prescribes.

26 ~~D.~~ E. To determine the suitability of prospective applicants for any
27 tribal gaming license or state certification, each applicant shall furnish
28 a full set of fingerprints and such fingerprints shall be submitted to the
29 department of public safety for a criminal records check. Each applicant's
30 fingerprints shall also be submitted by the department of public safety to
31 the federal bureau of investigation for a ~~national~~ FEDERAL criminal records
32 check. The department of gaming is authorized to receive criminal records
33 information from the department of public safety and from the federal bureau
34 of investigation for the purpose of evaluating the fitness of applicants for
35 any tribal gaming license, state certification or renewal.

36 ~~E.~~ F. Hearings shall be conducted pursuant to title 41, chapter 6,
37 article 10. Except as provided in section 41-1092.08, subsection H, any
38 party who is aggrieved by a final order or decision of the director of the
39 department of gaming may seek judicial review pursuant to title 12, chapter
40 7, article 6.

41 ~~F.~~ G. The director of the department of gaming may issue subpoenas
42 for the attendance of witnesses and the production of books, records and
43 documents necessary for the enforcement of this article and the tribal-state
44 compacts. These subpoenas shall be served and enforced in a manner
45 consistent with title 41, chapter 6, article 10.

1 ~~G.~~ H. The director of the department of gaming may establish the
2 position of deputy director of the department of gaming. The deputy director
3 of the department of gaming position is exempt from title 41, chapter 4,
4 articles 5 and 6. Persons holding the position of deputy director of the
5 department of gaming are eligible to receive compensation pursuant to section
6 38-611.

7 ~~H.~~ I. The director of the department of gaming may enter into a
8 contract or agreement with any public agency for any joint and cooperative
9 action as provided in title 11, chapter 7, article 3.

10 ~~I.~~ J. The department of gaming may investigate violations of section
11 13-3306 that occur on non-Indian lands in this state and may cooperate with
12 appropriate law enforcement authorities and prosecutorial agencies in the
13 investigation and prosecution of these violations.

14 Sec. 2. Title 5, chapter 6, article 1, Arizona Revised Statutes, is
15 amended by adding section 5-602.01, to read:

16 5-602.01. Rules and regulations; civil penalties

17 A. THE DEPARTMENT OF GAMING MAY ADOPT RULES TO CARRY OUT THE PURPOSES
18 OF THIS CHAPTER. THE RULES SHALL BE CONSISTENT WITH THE PROVISIONS CONTAINED
19 IN TRIBAL-STATE COMPACTS.

20 B. THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED FIVE
21 THOUSAND DOLLARS PER DAY AND NOT TO EXCEED A TOTAL OF TWENTY-FIVE THOUSAND
22 DOLLARS AGAINST A CERTIFICATE HOLDER IN LIEU OF OR IN ADDITION TO REVOCATION
23 OF THE CERTIFICATE. THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY AGAINST A
24 CERTIFICATE HOLDER IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS FOR A
25 VIOLATION OF ANY RULE ADOPTED PURSUANT TO THIS SECTION IF THE VIOLATION DOES
26 NOT CONSTITUTE GROUNDS FOR REVOCATION OF THE CERTIFICATE. IN DETERMINING THE
27 AMOUNT OF THE CIVIL PENALTY, THE DEPARTMENT SHALL CONSIDER THE SERIOUSNESS
28 OF THE VIOLATION AND THE FINANCIAL IMPACT THAT THE PENALTY WILL HAVE ON THE
29 CERTIFICATE HOLDER. ALL CIVIL PENALTIES COLLECTED BY THE DEPARTMENT PURSUANT
30 TO THIS SECTION SHALL BE TRANSFERRED TO THE STATE TREASURER FOR DEPOSIT IN
31 THE STATE GENERAL FUND.

32 C. AT THE DIRECTOR'S REQUEST, THE ATTORNEY GENERAL SHALL FILE AN
33 ACTION IN SUPERIOR COURT TO RECOVER CIVIL PENALTIES IMPOSED PURSUANT TO THIS
34 SECTION.

35 Sec. 3. Intent

36 It is the intent of the legislature that unsuitable individuals and
37 companies do not become involved in Indian gaming and to clearly state that
38 the department of gaming has the continuing authority to determine the
39 suitability of individuals and companies to obtain state certification to
40 engage in activities related to Indian gaming.

APPROVED BY THE GOVERNOR APRIL 30, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2002.

Passed the House April 23, 2002,

Passed the Senate March 25, 2002,

by the following vote: 52 Ayes,

by the following vote: 29 Ayes,

1 Nays, 7 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2002

at 12:14 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 30 day of

April, 2002,

at 1:19 o'clock P M.

[Signature]
Governor of Arizona

S.B. 1364

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2002,

at 12:13 o'clock P M.

[Signature]
Secretary of State